

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WAYNE J. LIVOTI,

Plaintiff,

V.

UNITED STATES DEPARTMENT
OF EDUCATION,

Defendant.

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CASE NO. 4:12cv467
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 28, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant United States Department of Education's Motion to Dismiss Amended Complaint, or in the Alternative, Motion for Summary Judgment [Doc. #30] be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that Defendant United States Department of Education's Motion to Dismiss Amended Complaint, or in the Alternative, Motion for Summary Judgment [Doc. #30]

is **GRANTED**, and any and all claims for relief against Defendant are **DISMISSED** with prejudice.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So **ORDERED** and **SIGNED** on October ____, 2013.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge